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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,880	02/01/2002	Odd N. Oddsen JR.	INNOFF 3.0-013	8871

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EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/061,880

**Applicant(s)**

ODDSEN, ODD N.

**Examiner**

Amy J. Sterling

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 25 February 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 39-48 is/are allowed.
- 6) Claim(s) 1-38 and 49-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 25 February 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

## DETAILED ACTION

This is the **Final Office Action** for application number 10/061880 Modular Mounting Arm, filed on 2/1/02. Claims 1-54 are pending. This **Final Office Action** is in response to applicant's Reply dated 2/25/03], paper no. 9. [hereinafter the Reply]

### *Drawings*

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 2/25/03 have been acknowledged and approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Therefore the objections to Figure 2, 3C, 4B, 4C, 4D, 5B, 5C, 5D, 5E are moot.

The drawings remain objected to for not having a full view of the assembled device in order for the invention to be understood. The applicant in the Reply has argued that Fig. 1 shows a complete view of the invention, with the additions of the upper and lower arm extension as shown by Figs. 8A, 8B, 9A, 9B. The device shown in Fig. 1 is considered prior art, which does not contain the elements of Figs. 8A, 8B, 9A, 9B of the alleged present invention. Therefore, as previously asserted, there is no Figure which shows the complete alleged present invention as claimed.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In the previous Office Action, dated 8/20/02, paper no. 5, the drawings were objected to because they contain the same reference numerals as the prior art drawings, stating that the alleged invention should contain unique reference numerals in order for the invention to be understood. In the Reply, "Applicant maintained like reference numerals for like elements for purposes of consistency", the same parts having the same reference numerals in both the prior art and the alleged present invention. This objection to the drawings is withdrawn, the parts being repeated throughout the prior art and the present alleged invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-38 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art cited in Figs. 1-7 of application 10/061880, titled, the Modular Mounting Arm and in view of United States Patent No. 2151877 to Walker.

The prior art cited in Figs. 1-7 of application 10/061880 discloses applicant's basic inventive concept, a forearm extension (600) having a first end and a second end, including a first opening and second opening adjacent to respective ends, the first and second openings in communication with each other through a channel (900) provided within the forearm extension between the first and second ends, also having an elongated hollow body having first and second ends, a first coupling attached to the first end of the body and a second coupling attached to the second end of the body. The prior art cited in Figs. 1-7 of application 10/061880 discloses that the first U-shaped coupling includes a first end having a bore therein adapted for pivotably mounting the forearm extension to the second end cap, and a second end attached within the first end of the body and the second U-shaped coupling includes a first end having a bore therein adapted for coupling an electronic device thereto, and a second end attached within the second end of the body and the first and second coupling each include a stop member limiting the extent of engagement of the second ends of the couplings within the first ends of the body.

The prior art cited in Figs. 1-7 of application 10/061880 also discloses the second endcap having an opening extending therethrough in communication with the first opening within the forearm extension for attachment of an electronic device thereto; a first endcap (100) having a first end attachable to a support structure; a second endcap

(500) having a first end rotationally attached to the first end of the forearm extension (600), and elongated first and second channel members (200, 300) having first and second ends, the first and second channel members having an elongated hollow member providing a first cavity (400) extending therethrough.

The prior art cited in Figs. 1-7 of application 10/061880 does not show the elongated channel members being nested together to form a channel therebetween, with a reinforcing member having open ends, a wall, a bottom with two voids, received within the first cavity or a first, second, third and fourth roller units received within a respective open end of one of the reinforcing members, and the second ends of the roller units having a cylindrical member used in order to adjust the length of the first and second channel members, the first and third rollers used as a stop and the second fourth rollers used to aid in this adjustment by reducing friction of the channels sliding together. The prior art cited in Figs. 1-7 of application 10/061880 does not show an aluminum fastener to secure the channel members and roller units.

Walker shows these features, elongated channel members (40, 41, 42, 43) being nested together to form a channel therebetween, with a reinforcing member having open ends (58) a wall and a bottom with two voids received within the first cavity, and a first, second, third and fourth roller units used in order to adjust the length of the first and second channel members, the first and third rollers (46) received within a respective open end of one of the reinforcing members, and the second ends of the roller units having a cylindrical member used as a stop and the second fourth rollers (51) used to aid in this adjustment by reducing friction of the channels sliding

together. Walker also shows a fastener (47) to secure the channel members and roller units. Though the fastener is not specifically taught as aluminum, aluminum is a common material for fasteners and it would be obvious to select such a material. Therefore, it would be obvious to someone skilled in the art to modify the arm of the prior art cited in Figs. 1-7 of application 10/061880 with the features taught in Walker in order to make the arms easily adjustable in length and securely fastened.

The method of making is inherent from the structure cited above.

### ***Response to Arguments***

The applicant has argued that the extension arm and other subcomponents of the alleged invention may be cut from stock components and assembled into the required lengths for forming the exterior arm as specified by the end user, and the rejection fails to render obvious that feature. (See generally Reply, page 8, lines 10-22). This is unpersuasive because in combining the prior art, cited in of application 10/061880, and the Walker reference, the dimensions of the extension arm and reinforcing member or other subcomponents would be optimized, thereby reducing the waste associated with the manufacturing processes in cutting and assembling the combinable device. Therefore, there is not reason to suggest that the combined device could not be cut from existing stock materials.

The applicant has also argued that Walker does not disclose the claimed invention. The rejection states that the invention is disclosed by the Prior Art which the

applicant admits is similar to the alleged present invention. (Reply, page 11, lines 10-12), with the exception of the two channel members being nested together as shown above. Walker shows this concept of nesting channel members together, one channel member or reinforcing member being received within the other.

The applicant has also argued that the Walker reference does not show the rollers of Walker are not coupled to the end caps as claimed. The concept of attaching the extendable arms to the end caps are taught by the Prior Art of Figs. 1-7, the combination of the Walker taught arm with the extendable arm being attached to the endcaps as taught by the Prior Art, make this combination of elements obvious, the motivation the same as cited in the rejection above.

Therefore, the arguments are unpersuasive in that the combination of the Prior Art, cited with the Walker reference disclose all of the limitations of the rejected claims.

### ***Allowable Subject Matter***

Claims 39-48 are allowed.

The reason is that the prior art of record does not show an adjustable extension arm with a first and second channel members with a first cavity therethrough and an elongated hollow member which is fixedly secured within the first cavity, also having roller units fixedly coupled to the first end of the reinforcing member. The prior art shows the first and second members slidingly fixed with respect to one another.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-305-3597 or 703-305-3598 (formal amendments) or 703-308-3519 (informal amendments/communications).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS

Amy J. Sterling

5/13/03



Korie Chan

Primary Examiner

AU 3632